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ATTORNEYS FOR PLAINTIFFS

MIGUEL ORTEGA AND BENJAMIN ORTEGA

IN THE UNITED STATES DISTRICT COURT

NORTHERN DIVISION

MIGUEL ORTEGA, and BENJAMIN
ORTEGA,

Plaintiffs

vs.

CITY OF OAKLAND, et al.,

Defendants.

Case No.: C 07-02659 JCS

RESPONSES TO INTERROGATORIES,
SET ONE

PROPOUNDING PARTY: Defendant, CITY OF OAKLAND

RESPONDING PARTY: Plaintiff, MIGUEL ORTEGA

SET NUMBER: ONE

Plaintiff MIGUEL ORTEGA responds to the above-referenced interrogatories based upon information now known to the responding party or to counsel. These responses are given without prejudice to production at trial of subsequently discovered information, or information omitted from the responses as a result of good faith oversight. These answers may include hearsay and other matters, which are neither reliable nor admissible in evidence.

INTERROGATORY No. 1:

On the day of the incident, defendant Alcantar physically attacked plaintiff Benjamin Ortega in front of his brother Miguel. He grabbed him and forced him to the ground, inflicting bodily injury to him.

1 INTERROGATORY No. 2:

2 Defendant Alcantar and his partner, B. Ortiz entered plaintiffs' property, and attacked and
3 handcuffed plaintiffs. Approximately eight other officers in two police vans assisted Alcantar and Ortiz
4 to place plaintiffs under arrest.

5 INTERROGATORY No. 3:

6 Defendant Alcantar and his partner, B. Ortiz, without probable cause to believe that plaintiff or
7 anyone else on the property was or had been involved in any crime, entered onto the private property
8 where plaintiff was standing and physically attacked him.

9 INTERROGATORY No. 4:

10 See response to interrogatory No. 3, above.

11 INTERROGATORY No. 5:

12 Defendant Alcantar and his partner, B. Ortiz, without probable cause to believe that plaintiff
13 was, or had been involved in any crime, handcuffed and arrested plaintiff, depriving him of his liberty.

14 INTERROGATORY No. 6:

15 See response to interrogatory No. 5, above.

16 INTERROGATORY No. 7:

17 On the day of the incident, plaintiff Benjamin Ortega was lawfully crossing the street carrying a
18 Mexican flag. Defendant Alcantar and his partner, B. Ortiz, were driving a marked City police car.
19 They stopped at the red light while plaintiff crossed in front of them. While plaintiff was crossing on
20 the green light, he was accosted by defendant Alcantar, who told him to "hurry up, or I'll put that flag
21 up your ass."

22 INTERROGATORY No. 8:

23 See response to interrogatory No. 7, above.

24 INTERROGATORY No. 9:

25 See response to interrogatory No. 3, above.

26 INTERROGATORY No. 10:

27 See response to interrogatory No. 3, above.

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1 INTERROGATORY No. 11:

2 See responses to interrogatories No. 1 and 2, above.

3 INTERROGATORY No. 12:

4 See responses to interrogatories No. 1 and 2, above.

5 INTERROGATORY No. 13:

6 See responses to interrogatories No. 1 and 2, above.

7 INTERROGATORY No. 14:

8 See responses to interrogatories No. 1 and 2, above.

9 INTERROGATORY No. 15:

10 Plaintiff was handcuffed, arrested and placed in a police car for approximately 30 minutes. They
11 were then released when defendant Alcantar and his partner, B. Ortiz, extorted from plaintiffs a promise
12 to give up their civil right to redress in court what had happened.

13 INTERROGATORY No. 16:

14 See response to interrogatory No. 7, above.

15 INTERROGATORY No. 17:

16 See response to interrogatory No. 7, above.

17 INTERROGATORY No. 18:

18 See response to interrogatory No. 2, above.

19 INTERROGATORY No. 19:

20 See response to interrogatory No. 2, above.

21 INTERROGATORY No. 20:

22 See response to interrogatory No. 2, above.

23 INTERROGATORY No. 21:

24 See responses to interrogatories No. 2 and 7, above.

25 INTERROGATORY No. 22:

26 See responses to interrogatories No. 1, 2, 3, 5, 7 and 15, above.

27 INTERROGATORY No. 23:

28 See response to interrogatory No. 22, above.

1 INTERROGATORY No. 24:

2 See response to interrogatory No. 22, above.

3 INTERROGATORY No. 25:

4 Plaintiff suffered mental and emotional injuries as he was assaulted, battered, handcuffed and
5 unjustly arrested. The extend of his emotional injuries is unknown at the present time; discovery
6 continues.

7 Dated: November 20, 2007

LAW OFFICES OF STEVEN R. JACOBSEN

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9 By 
10 CATHERINE R. DOUAT
11 Attorney for Plaintiff
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***VERIFICATION WILL FOLLOW
IN THE MAIL***

PROOF OF SERVICE BY MAIL - C.C.P. 1013a, 2015.5

I declare under penalty of perjury, under the laws of the State of California, that: I am employed in the County of Alameda; I am over the age of eighteen years and not a party to the within action; my business address is 901 Clay Street, Oakland, California 94607; on the date below written I served a copy of the attached

PLAINTIFF'S RESPONSES TO INTERROGATORIES, SET ONE (Miguel Ortega)

on respondent City of Oakland by placing true copies thereof in sealed envelopes, with postage fully prepaid, in the United States mail at Oakland, California, addressed as follows:

John A. Russo, Esq., City Attorney
Randolph W. Hall, Esq., Assistant City Attorney
James F. Hodgkins, Esq., Supervising Trial Attorney
Charles E. Vose, Senior Deputy City Attorney
One Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612

Counsel for defendants
CITY OF OAKLAND, OAKLAND
POLICE DEPARTMENT, WAYNE
TUCKER and RAMON J. ALCANTAR

Executed at Oakland, California on November 20, 2007.



PATRICIA DAVILA

VERIFICATION

I, MIGUEL ORTEGA, hereby declare:

I am the plaintiff in the above-entitled action; I have read the foregoing:

Plaintiff's Responses to Interrogatories, Set One

and know the content thereof; the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on Nov. 20, 2007, at Oakland, California.


MIGUEL ORTEGA